

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 23, 2004

DIVISION ONE

B164150 Eric M. Bruns (Not for Publication)
 v.
 Philip Alexander

The judgment of nonsuit is reversed; the matter is remanded for a new trial.
Bruns is awarded his costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B169138 People
 v.
 Armstrong et al.

Filed order vacating submission order of July 20, 2004. Court to consider the supplemental brief submitted by appellant Armstrong in light of Blakely v. Washington.. Respondent shall have 30 days from the date of this order to file a supplemental response. The cause shall be deemed resubmitted at the time respondent's supplemental response is filed.

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

July 23, 2004 (Continued)

DIVISION TWO (Continued)

Each of the following:

B171076	In re:Joshua M. DCFS v. Michael M.
B154139	People v. Olvera et al.
B169077	People v. Clemons
B167753	Summers Group Inc. v. Jones
B173034	In re Kito S. DCFS v. Alice M.

Argument waived, cause submitted.

B166121 People
 v.
 Peeples

Merits:

Argued by Ralph Goldsen for appellant and by Douglas Wilson for respondent. Cause submitted.

B169504 People
 v.
 Stone

Merits:

Argued by Patricia Andreoni for appellant and by Stephanie Mitchell for respondent. Cause submitted.

B167784 Cogan
 v.
 Stoughton

Merits:

Argued by Gary Kearney for appellant and by Hugh Lipton for respondent. Cause submitted.

DIVISION TWO (Continued)

B168857 People
 v.
 Harvet

Merits:
Argued by Ralph Goldsen for appellant and by Catherine Kohm for respondent. Cause submitted.

B166688 Merton et al.
 v.
 Waste Management Inc. et al.

Merits:
Argued by Ellen Serbin for appellants and by John Purcell for respondents. Cause submitted.

B167894 Haverim
 v.
 Kangavari

Merits:
Argued by Saul Reiss for appellant and by Thomas Dunlap for respondent. Cause submitted.

B168545 Artists Management Group LLC
 v.
 Global Golf Management Inc.

Merits:
Argued by Timothy Gorry for appellant and by Ira Katz for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B161066 Department of Transportation (Not for Publication)

v.

Heritage Engineering Construction, Inc.

The judgment is affirmed only insofar as it confirms the arbitrator's award of \$168.082 in damages for extended home office overhead costs and interest on that amount, and is reversed in all other respects. The superior court is directed to enter a judgment confirming the award of \$168.082 in damages for extended home office overhead costs and interest on that amount, and vacating the award in all other respects. The superior court is directed to order another arbitration of the matter to be limited to the April 1995 claims for extended field office overhead costs and direct job site maintenance costs. Caltrans is entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B170913 Los Angeles County, D.C.S. (Not for Publication)

v.

Terry M.,

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

July 23, 2004 (Continued)

DIVISION THREE (Continued)

B173913 Los Angeles County, D.C.S. (Not for Publication)
v.
Tammy H.

The appeal is dismissed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B167078 People (Not for Publication)
v.
Jose Sanchez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B164206 People (Not for Publication)
v.
Fernando A. Vasquez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

July 23, 2004 (Continued)

DIVISION THREE (Continued)

B171279 People (Not for Publication)
v.
Norma Arellano

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B168925 People (Not for Publication)
v.
Jaime Jauregui and Gilbert Raymond Loza

The sentence imposed on Gilbert Raymond Loza for second-degree robbery in count 3 is stayed. The sentence imposed on Gilbert Raymond Loza for second-degree robbery in count 19 is stayed. The sentence imposed on Jaime Jauregui for second-degree robbery in count 3 is stayed. In all other respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B164319 Leland Harwood, et al. (Not for Publication)
v.
Mike Addante

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

July 23, 2004 (Continued)

DIVISION THREE (Continued)

B167152 California National Bank (Certified for Publication)
v.
Steven E. Havis et al.

Consistent with the views expressed herein, we reverse the judgment entered following the trial court's order granting summary judgment in favor of lender defendants on bank's complaint. The order dismissing lender defendants' cross-complaint is also reversed. We further reverse the order of May 15, 2003, which dissolved the preliminary injunction prohibiting the parties from "selling, transferring, disposing, encumbering, or concealing the property without a prior court order," and direct the trial court upon remand to reinstate the preliminary injunction issued on December 4, 2002. The stay of trial court proceedings heretofore issued by this court shall be dissolved upon the issuance of the remittitur herein. Bank is awarded its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B173927 Andrew H. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is dismissed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

July 23, 2004 (Continued)

DIVISION FOUR

B168177 Perryman (Not for Publication)
v.
Los Angeles County Metropolitan Transportation Authority

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B170489 People (Not for Publication)
v.
Jesse S.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B165436 People (Not for Publication)
v.
Jurado

The judgment is modified to strike the 25-year enhancement which was imposed pursuant to Penal Code section 12022.53, subdivision (d). In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

July 23, 2004 (Continued)

DIVISION FOUR (Continued)

B171373 Maljanian
v.
Rose

Filed order denying petition for rehearing

DIVISION FIVE

B168414 People (Not for Publication)
v.
Anthony Dion Grandberry

The judgment is conditionally reversed and this matter is remanded to the trial court with directions to conduct an in camera hearing on appellant's *Pitchess* motion consistent with this opinion. If the hearing reveals no discoverable information in either of the officers' personnel files, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed. If there is discoverable material in any of those files, it should be turned over to appellant so that he may determine whether the material would have led to any relevant, admissible evidence that he could have presented at trial. If appellant is able to demonstrate that he was prejudiced by the earlier denial of discovery, the trial court should order a new trial. If appellant is unable to demonstrate prejudice, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

July 23, 2004 (Continued)

DIVISION FIVE (Continued)

B163666 Martin Fox (Not for Publication)

v.

Rose, Klein & Marias

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B169065 People (Not for Publication)

v.

Joe John Preciado

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B168862 People (Not for Publication)

v.

Kiera S. Newsome

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

July 23, 2004 (Continued)

DIVISION EIGHT

B165074 Autopsy/Post Services, Inc.
 v.
 City Of Los Angeles

Filed order modification of order dismissing appeal and denying petition
for rehearing.